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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/990,762	11/14/2001	J. Keith Joung	MTV-030.02	2226

23419 7590 11/04/2003

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PALO ALTO, CA 94306

EXAMINER
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BYRD, DEVON R

ART UNIT	PAPER NUMBER
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1639

DATE MAILED: 11/04/2003

14

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/990,762

Applicant(s)

JOUNG ET AL.

Examiner

Devon R Byrd

Art Unit

1639

FILE  
COPY

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 10-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 10 & 12.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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DETAILED ACTION

*STATUS OF THE CLAIMS*

CLAIMS 1-20 ARE PENDING IN THE PRESENT APPLICATION AND ARE SUBJECT TO RESTRICTION/ELECTION OF SPECIES. CLAIMS 1-9 ARE UNDER CONSIDERATION. CLAIMS 10-20 ARE WITHDRAWN FROM CONSIDERATION.

*INFORMATION DISCLOSURE STATEMENT*

THE COPIES OF REFERENCES CITED ON APPLICANT'S PTO-1449 APPEAR TO HAVE BECOME SEPARATED FROM THE FILE. WHILE THE US PATENTS AND WO DOCUMENTS ARE IMMEDIATELY AVAILABLE TO THE EXAMINER, NON-PATENT LITERATURE IS MORE DIFFICULT TO OBTAIN.

*ELECTION/RESTRICTION*

APPLICANT'S ELECTION WITH TRAVERSE OF GROUP 1 (CLAIMS 1-9) IN PAPER NO. 13 IS ACKNOWLEDGED. CLAIMS 10-20 ARE WITHDRAWN FROM FURTHER CONSIDERATION PURSUANT TO 37 CFR 1.142(b), AS BEING DRAWN TO A NONELECTED INVENTION, THERE BEING NO ALLOWABLE GENERIC OR LINKING CLAIM. APPLICANT TIMELY TRAVERSED THE RESTRICTION (ELECTION) REQUIREMENT IN PAPER NO. 13.

APPLICANT ARGUES THAT SINCE THE INVENTIVE GROUPS ARE ALL DIRECTED TO METHODS INVOLVING DNA-BINDING PROTEINS:

1. A SINGLE SEARCH IS LIKELY TO FIND ART RELATED TO ALL THREE GROUPS,
2. ALL GROUPS SHARE THE SAME CLASS (435), AND
3. SUCH A SEARCH WOULD NOT IMPOSE A SERIOUS BURDEN UPON THE EXAMINER.

THESE ARGUMENTS HAVE BEEN FULLY CONSIDERED BUT ARE NOT PERSUASIVE FOR REASONS MADE OF RECORD IN PAPER NO. 11. BRIEFLY, WHILE THE GROUPS ARE CLASSIFIED IN CLASS 435, EACH IS SUBCLASSED DIFFERENTLY (E.G., 7.8, 69.1, 6). THIS DIRECTLY SUPPORTS THE

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EXAMINER'S CONTENTION THAT THE GROUPS ARE PATENTABLY DISTINCT AND HAVE SEPARATELY BURDENSOME AND NON-COEXTENSIVE SEARCHES.

APPLICANT FURTHER ARGUES THAT THE PRESENT RESTRICTION REQUIREMENT WOULD IMPOSE A BURDEN UPON THE RESOURCES OF THE USPTO, AS WELL AS A FINANCIAL BURDEN UPON THE APPLICANT. THE PRESENT RESTRICTION ENABLES THE EXAMINER TO DO A COEXTENSIVE SEARCH AND COMPREHENSIVE EXAMINATION, ALTHOUGH THE EXAMINER IS SYMPATHETIC TO THE POTENTIAL FINANCIAL BURDEN APPLICANT'S ATTORNEY ALLEGES.

THE REQUIREMENT IS STILL DEEMED PROPER AND IS THEREFORE MADE FINAL.

WHILE NOT FULLY RESPONSIVE, APPLICANT'S ELECTION WITH TRAVERSE OF THE FOLLOWING SPECIES IS ACKNOWLEDGED:

- A) PROKARYOTIC HOST CELLS
- B) ZINC FINGER PROTEINS
- C) HIS3 REPORTER GENE
- D) ZINC FINGER PROTEIN BINDING SITE

IT IS NOTED THAT APPLICANT WAS UNABLE TO SELECT A REPRESENTATIVE SPECIES FOR THE GENERIC CATEGORY OF "AN ACTIVATION DOMAIN".

APPLICANT ARGUES THAT THE ELECTION OF SPECIES REQUIREMENT WAS NOT ADEQUATELY SET FORTH DUE TO LACK OF CLARITY. WHERE POSSIBLE, THE EXAMINER DREW FROM APPLICANT'S SPECIFIC DISCLOSURE TO PROVIDE GUIDANCE TO APPLICANT IN SELECTING SPECIFIC EMBODIMENTS OF THE CLAIMED INVENTION FOR PURPOSES OF SEARCH. THE EXAMINER WAS UNABLE TO FIND SUCH EXPLICIT EXAMPLES FOR THE GENERIC CATEGORY OF "AN ACTIVATION DOMAIN" IN EITHER THE "SUMMARY OF THE INVENTION" OR "DETAILED DESCRIPTION OF THE

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INVENTION" OF APPLICANT'S DISCLOSURE. THE REQUIREMENT FOR AN ELECTION OF SPECIES FOR "A DESIRED LEVEL OF EXPRESSION OF THE REPORTER GENE" IS HEREBY WITHDRAWN.

APPLICANT'S FURTHER ARGUMENTS THAT IT WOULD NOT BE BURDENSOME TO SEARCH ALL SPECIES TOGETHER IS NOT RESPONSIVE TO THE EXAMINER'S ASSERTION THAT IT WOULD BE UNDULY BURDENSOME TO SEARCH ALL GENERIC CATEGORIES. THE REQUIREMENT IS STILL DEEMED PROPER AND IS THEREFORE MADE FINAL.

***CLAIM REJECTIONS - 35 USC § 102***

THE FOLLOWING IS A QUOTATION OF THE APPROPRIATE PARAGRAPHS OF 35 U.S.C. 102 THAT FORM THE BASIS FOR THE REJECTIONS UNDER THIS SECTION MADE IN THIS OFFICE ACTION:

A PERSON SHALL BE ENTITLED TO A PATENT UNLESS --

(B) THE INVENTION WAS PATENTED OR DESCRIBED IN A PRINTED PUBLICATION IN THIS OR A FOREIGN COUNTRY OR IN PUBLIC USE OR ON SALE IN THIS COUNTRY, MORE THAN ONE YEAR PRIOR TO THE DATE OF APPLICATION FOR PATENT IN THE UNITED STATES.

CLAIMS 1-4, AND 6-9 ARE REJECTED UNDER 35 U.S.C. 102(B) AS BEING ANTICIPATED BY US PATENT 5,580,736, ISSUED DECEMBER 3, 1996.

THE INVENTION OF THE ABOVE CLAIMS IS DRAWN TO A METHOD FOR SELECTING A DIMERIZING TEST POLYPEPTIDE COMPRISING:

(I) PROVIDING A POPULATION OF HOST CELLS WHEREIN EACH HOST CELL CONTAINS

A) A CHIMERIC GENE WHICH ENCODES A FUSION PROTEIN, INCLUDING ONE OR MORE DNA-BINDING DOMAINS, AN ACTIVATION DOMAIN, AND A TEST POLYPEPTIDE,

B) A REPORTER GENE OPERABLY LINKED TO A TRANSCRIPTIONAL REGULATORY SEQUENCE WHICH INCLUDES TWO OR MORE BINDING SITES (DBD RECOGNITION ELEMENTS) FOR THE DNA-BINDING DOMAIN OF (A), WHEREIN BINDING OF A SINGLE COPY OF THE FUSION PROTEIN TO THE TRANSCRIPTIONAL REGULATORY SEQUENCE OF THE REPORTER GENE DOES

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NOT RESULT IN A DESIRED LEVEL OF EXPRESSION OF THE REPORTER GENE; WHEREIN  
DIMERIZATION AND BINDING OF THE FUSION PROTEIN TO THE TRANSCRIPTIONAL  
REGULATORY SEQUENCE OF THE REPORTER GENE RESULTS IN A DESIRED LEVEL OF  
EXPRESSION OF THE REPORTER GENE;

(II) ISOLATING HOST CELLS EXHIBITING A DESIRED LEVEL OF EXPRESSION OF THE REPORTER GENE  
THEREBY SELECTING A DIMERIZING TEST POLYPEPTIDE, WHEREIN:

- THE HOST CELL FURTHER COMPRISES A SECOND REPORTER GENE OPERABLY LINKED TO A  
TRANSCRIPTIONAL REGULATORY SEQUENCE COMPRISING ONE BINDING SITE FOR THE DNA  
BINDING DOMAIN OF (A),
- THE DESIRED LEVEL OF EXPRESSION OF THE REPORTER GENE PRODUCES A DETECTABLE  
SIGNAL, WHEREIN THE DETECTABLE SIGNAL IS A GROWTH ADVANTAGE OF THE HOST CELL

AND,

- THE SEQUENCE ENCODING THE DIMERIZING TEST POLYPEPTIDE IS LINKED TO A  
HETEROLOGOUS SEQUENCE
- A POLYNUCLEOTIDE COMPRISING A SEQUENCE ENCODING THE DIMERIZING TEST  
POLYPEPTIDE IS ISOLATED.

AND WHEREIN,

- THE CHIMERIC GENE IS A MEMBER OF A LIBRARY COMPRISING A PLURALITY OF SEQUENCES  
ENCODING FOR RANDOM TEST POLYPEPTIDES, WHEREIN
- THE LIBRARY COMPRISES AT LEAST  $10^7$  MEMBERS.

'736 TEACHES A METHOD OF SELECTING A DIMERIZING TEST POLYPEPTIDE COMPRISING:

(A) PROVIDING A HOST CELL WHICH CONTAINS (I) A REPORTER GENE OPERABLY LINKED TO A  
PROTEIN BINDING SITE; (II) A FIRST FUSION GENE WHICH EXPRESSES A FIRST FUSION PROTEIN, THE

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FIRST FUSION PROTEIN INCLUDING THE FIRST PROTEIN COVALENTLY BONDED TO A BINDING MOIETY WHICH IS CAPABLE OF SPECIFICALLY BINDING TO THE PROTEIN BINDING SITE; AND (iii) A SECOND FUSION GENE WHICH EXPRESSES A SECOND FUSION PROTEIN, THE SECOND FUSION PROTEIN INCLUDING THE SECOND PROTEIN COVALENTLY BONDED TO A WEAK GENE ACTIVATING MOIETY (E.G., A HETEROLOGOUS SEQUENCE); AND (B) MEASURING EXPRESSION OF THE REPORTER GENE AS A MEASURE OF AN INTERACTION BETWEEN THE FIRST AND THE SECOND PROTEINS. IN A PREFERRED EMBODIMENT, THE METHOD FURTHER INVOLVES ISOLATING THE GENE ENCODING THE SECOND PROTEIN. IN OTHER PREFERRED EMBODIMENTS, THE WEAK GENE ACTIVATING MOIETY IS OF LESSER ACTIVATION POTENTIAL THAN GAL4 ACTIVATION REGION II AND PREFERABLY IS THE GENE ACTIVATING MOIETY OF B42 OR A GENE ACTIVATING MOIETY OF LESSER ACTIVATION POTENTIAL; THE HOST CELL IS A YEAST CELL; THE REPORTER GENE INCLUDES THE LEU2 GENE (WHICH CONFERS A GROWTH ADVANTAGE UPON THE HOST CELL) OR THE LACZ GENE (WHICH PRODUCES A DETECTABLE SIGNAL); THE HOST CELL FURTHER CONTAINS A SECOND REPORTER GENE OPERABLY LINKED TO THE PROTEIN BINDING SITE, FOR EXAMPLE, THE HOST CELL INCLUDES BOTH A LEU2 REPORTER GENE AND A LACZ REPORTER GENE; THE PROTEIN BINDING SITE IS A LEXA BINDING SITE AND THE BINDING MOIETY INCLUDES A LEXA DNA BINDING DOMAIN; THE SECOND PROTEIN IS A PROTEIN INVOLVED IN THE CONTROL OF EUKARYOTIC CELL DIVISION, FOR EXAMPLE, A Cdc2 CELL DIVISION CONTROL PROTEIN (COL 2, LN 48- COL 3, LN 9).

'736 FURTHER TEACHES THAT:

- "[B]Y "OPERABLY LINKED" IS MEANT THAT A GENE AND A REGULATORY SEQUENCE(S) ARE CONNECTED IN SUCH A WAY AS TO PERMIT GENE EXPRESSION WHEN THE APPROPRIATE MOLECULES (E.G., TRANSCRIPTIONAL ACTIVATOR PROTEINS OR PROTEINS WHICH INCLUDE TRANSCRIPTIONAL ACTIVATION DOMAINS) ARE BOUND TO THE REGULATORY SEQUENCE(S)" (COL 3, LNS 52-57).

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- "[B]Y A "BINDING MOIETY" IS MEANT A STRETCH OF AMINO ACIDS WHICH IS CAPABLE OF DIRECTING SPECIFIC POLYPEPTIDE BINDING TO A PARTICULAR DNA SEQUENCE (I.E., A "PROTEIN BINDING SITE")" (COL 3, LNS 58-60).
- THE LACZ REPORTERS ARE LESS SENSITIVE, ALLOWING THE SELECTION OF DIFFERENT PREY PROTEINS BY UTILIZING REPORTERS WITH THE APPROPRIATE NUMBER, AFFINITY, AND POSITION OF LEXA OPERATORS; IN PARTICULAR, SENSITIVITY OF THE LACZ REPORTER GENE IS INCREASED BY EITHER INCREASING THE NUMBER OF UPSTREAM LEXA OPERATORS, UTILIZING LEXA OPERATORS WHICH HAVE INCREASED AFFINITY FOR LEXA BINDING DIMERS, AND/OR DECREASING THE DISTANCE BETWEEN THE LEXA OPERATOR AND THE DOWNSTREAM REPORTER GENE PROMOTER (COL 9, LNS 50-58).

WITH REGARD TO THE LIMITATION "ISOLATING HOST CELLS EXHIBITING A DESIRED LEVEL OF EXPRESSION OF THE REPORTER GENE THEREBY SELECTING A DIMERIZING TEST POLYPEPTIDE" RECITED BY APPLICANT'S CLAIM 1, APPLICANT'S ATTENTION IS DIRECTED TO COL 11, LNS 19-37 AND FIGURE 4 OF THE REFERENCE. THE CITED SECTION TEACHES "[T]HE CDI1 GENE WAS INTRODUCED INTO A PANEL OF EGY48-DERIVED STRAINS (I.E., EGY48/1840 CONTAINING DIFFERENT LEXA FUSION BAITS) IN ORDER TO TEST THE REPRODUCIBILITY AND SPECIFICITY OF THE INTERACTION BETWEEN CDC2 AND CDI1. CELLS FROM 8 INDIVIDUAL TRANSFORMED CELLS THAT CONTAINED CDI1 PLUS A GIVEN BAIT (HORIZONTAL STREAKS) OR THE SAME BAIT PLUS THE LIBRARY VECTOR AS A CONTROL (ADJACENT VERTICAL STREAKS) WERE STREAKED WITH TOOTHPICKS ONTO EACH OF THREE PLATES (FIG. 4). THE PLATES, SHOWN IN FIG. 4, INCLUDED A "CONTROL" PLATE, A URA<sup>-</sup> TRP<sup>-</sup> HIS<sup>-</sup> GLUCOSE PLATE WHICH SELECTED FOR THE PRESENCE OF THE BAIT PLASMID, THE LEXAOP-LACZ REPORTER, AND THE CDI1 EXPRESSION PLASMID; A "GLUCOSE" PLATE, A URA<sup>-</sup> TRP<sup>-</sup> HIS<sup>-</sup> LEU<sup>-</sup> GLUCOSE PLATE, WHICH ADDITIONALLY SELECTED FOR ACTIVATION OF THE LEXAOP-LEU2 REPORTER; AND A "GALACTOSE" PLATE, A URA<sup>-</sup> TRP<sup>-</sup> HIS<sup>-</sup> LEU<sup>-</sup> GALACTOSE PLATE, WHICH



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SELECTED FOR THE ACTIVATION OF THE LEXAOP-LEU2 REPORTER, AND WHICH INDUCED THE EXPRESSION OF Cdi1. BAITS USED IN THIS TEST INCLUDED: (1) LEXA-Cdc2, (2) LEXA-BICOID, (3) LEXA-MAX, (4) LEXA-CLN3, (5) LEXA-FUS3, AND (6) LEXA-cMYC-CTERM (FIG. 4)".

WITH REGARD TO THE LIMITATION "WHEREIN THE CHIMERIC GENE IS A MEMBER OF A LIBRARY COMPRISING A PLURALITY OF SEQUENCES ENCODING FOR RANDOM TEST POLYPEPTIDES" RECITED BY APPLICANT'S CLAIM 8, APPLICANT'S ATTENTION IS DIRECTED TO COL 8, LNS 41-44 OF THE REFERENCE. THE CITED SECTION TEACHES "A HELA CDNA LIBRARY WAS CONSTRUCTED, AND RANDOM LIBRARY SEQUENCES WERE INSERTED DOWNSTREAM OF THIS N-TERMINAL FRAGMENT TO PRODUCE FUSION GENES ENCODING PREY PROTEINS".

WITH REGARD TO THE LIMITATION "WHEREIN THE LIBRARY COMPRISES AT LEAST  $10^7$  MEMBERS" RECITED BY APPLICANT'S CLAIM 9, APPLICANT'S ATTENTION IS DIRECTED TO COL 10, LN 66 OF THE REFERENCE. THE CITED SECTION TEACHES "FROM ABOUT  $2 \times 10^7$  CELLS, 412 LEU2<sup>+</sup> COLONIES WERE ISOLATED...".

THEREFORE, ALL OF THE CLAIMED LIMITATIONS DISCUSSED ABOVE ARE ANTICIPATED BY '736.

### ***CLAIM REJECTIONS - 35 USC § 103***

THE FOLLOWING IS A QUOTATION OF 35 U.S.C. 103(A) WHICH FORMS THE BASIS FOR ALL OBVIOUSNESS REJECTIONS SET FORTH IN THIS OFFICE ACTION:

(A) A PATENT MAY NOT BE OBTAINED THOUGH THE INVENTION IS NOT IDENTICALLY DISCLOSED OR DESCRIBED AS SET FORTH IN SECTION 102 OF THIS TITLE, IF THE DIFFERENCES BETWEEN THE SUBJECT MATTER SOUGHT TO BE PATENTED AND THE PRIOR ART ARE SUCH THAT THE SUBJECT MATTER AS A WHOLE WOULD HAVE BEEN OBVIOUS AT THE TIME THE INVENTION WAS MADE TO A PERSON HAVING ORDINARY SKILL IN THE ART TO WHICH SAID SUBJECT MATTER PERTAINS. PATENTABILITY SHALL NOT BE NEGATIVED BY THE MANNER IN WHICH THE INVENTION WAS MADE.

CLAIMS 1-9 ARE REJECTED UNDER 35 U.S.C. 103(A) AS BEING UNPATENTABLE OVER '736 AS APPLIED TO CLAIMS 1-4, AND 6-9 ABOVE, AND FURTHER IN VIEW OF KORNACKER ET AL., MOLECULAR MICROBIOLOGY 30(3):615-624, 1998 (HEREINAFTER REFERRED TO AS KORNACKER).

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KORNACKER TEACHES A METHOD FOR SELECTING A DIMERIZING TEST POLYPEPTIDE USING PROKARYOTIC, SPECIFICALLY, E. COLI, CELLS. THE REFERENCE FURTHER TEACHES THAT "...[SUCH] APPLICATION SHOULD BENEFIT FROM THE HIGH TRANSFORMATION FREQUENCIES THAT ARE POSSIBLE WITH E. COLI" (P 622 COL 1-2, BRIDGING SENTENCE). ALTHOUGH '736 DOES NOT SPECIFICALLY TEACH THE USE OF E. COLI, IT WOULD HAVE BEEN OBVIOUS TO ONE OF ORDINARY SKILL IN THE ART TO USE AN ORGANISM WITHIN THE SCOPE OF THE TEACHING OF '736 TO OBTAIN THE HIGH TRANSFORMATION FREQUENCIES TAUGHT BY KORNACKER. ONE WOULD HAVE BEEN MOTIVATED TO DO SO IN ORDER TO MORE EXHAUSTIVELY SEARCH THE COMPLEX SEQUENCE SPACE ENCOMPASSED BY A LIBRARY.

**CONCLUSION**

NO CLAIMS ARE ALLOWED.

ANY INQUIRY CONCERNING THIS COMMUNICATION OR EARLIER COMMUNICATIONS FROM THE EXAMINER SHOULD BE DIRECTED TO DEVON R BYRD WHOSE TELEPHONE NUMBER IS 703-305-0159. THE EXAMINER CAN NORMALLY BE REACHED ON MON-FRI 8A-5P.

IF ATTEMPTS TO REACH THE EXAMINER BY TELEPHONE ARE UNSUCCESSFUL, THE EXAMINER'S SUPERVISOR, ANDREW WANG CAN BE REACHED ON 703-306-2317. THE FAX PHONE NUMBER FOR THE ORGANIZATION WHERE THIS APPLICATION OR PROCEEDING IS ASSIGNED IS (703) 872-9306.

ANY INQUIRY OF A GENERAL NATURE OR RELATING TO THE STATUS OF THIS APPLICATION OR PROCEEDING SHOULD BE DIRECTED TO THE RECEPTIONIST WHOSE TELEPHONE NUMBER IS 703-308-1235.

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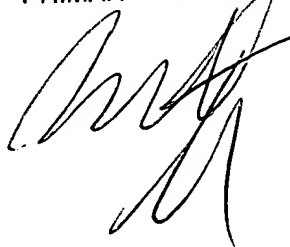
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DB

NOVEMBER 3, 2003

BENNETT CELSA  
PRIMARY EXAMINER

A handwritten signature in black ink, appearing to be 'Bennett Celsa', written over the printed name.